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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/520,528	03/08/00	PONTING	R 30028

 IM22/1020  
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EXAMINER

BECKER, D

ART UNIT

PAPER NUMBER

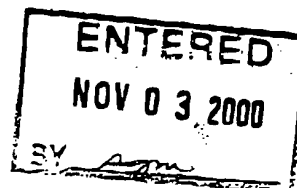
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DATE MAILED: 10/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



**Office Action Summary**

Application No.

09/520,528

Applicant(s)

Ponting

Examiner

Drew Becker

Group Art Unit

1761

☒ Responsive to communication(s) filed on Mar 8, 2000☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-18 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-8 and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1, line 5 recites "a bottom wall extending projecting". It is not clear whether the wall extends, projects, or both.
4. Claims 6 and 14 recite "being substantially cylindrical in plan". It is not clear whether the sidewall is "cylindrical" or not.
5. Claims 7 and 15 recite "being generally rectangular in plan". It is not clear whether the sidewall is "rectangular" or not.

#### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett [Des. 25,927].

Bennett teaches a device comprising a housing having a sidewall (Figure 1), a bottom wall which slopes to a central elevated region (Figure 2, B), a pair of handles (Figure 1, C), a trough located between the sloped surface and a bottom margin of the sidewall (Figure 2), and a substantially cylindrical shape (Figure 1). Phrases such as "adapted to hold a quantity of a cooking medium" are preferred methods of using the claimed apparatus and therefore are not given weight.

8. Claims 9, 13-14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Berchtold et al [Pat. No. 3,512,472].

Berchtold et al teach a cooking utensil comprising a housing with substantially cylindrical sidewalls (Figure 2, 22), a bottom wall which has a sloped, centrally elevated region (Figure 2, 34), a heat source beneath the central region (Figure 2, 14), a trough (Figure 2, 16), and the angle of slope of the bottom wall varying between 0° and almost vertical (Figure 2).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett.

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Bennett teaches the above mentioned concepts. It would have been obvious to one of ordinary skill in the art to construct the device of Bennett in rectangular form and to vary the slope of the bottom wall since these modifications are expected to have been done during the course of normal experimentation and optimization and since both of these modifications were commonly practiced, as evidenced by Fishel [Des. 110,806] (Figures 1-2).

11. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett as applied to claim 1 above, in view of Scheuplein [Pat. No. 2,393,420].

Bennett teaches the above mentioned concepts. Bennett does not teach a ledge projecting from the sidewall and a grate on the ledge. Scheuplein teaches a cylindrical cooking vessel comprising ledges (Figure 1, 13) and a grate (Figure 1, B). It would have been obvious to one of ordinary skill in the art to incorporate the ledges and grate of Scheuplein into the invention of Bennett since both are directed to cooking devices and since Scheuplein teaches that this structure prevents burning of the food and damage to the vessel (column 1, line 36).

12. Claims 9-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbour [Pat. No. 5,758,569] in view of Bennett.

Barbour teaches a frying device and method comprising a cylindrical housing with a sidewall and bottom wall (Figure 1, 12), a heat source below the housing (Figure 5), a pair of handles (Figure 1), the heat source being a gas burner (column 3, line 44), filling the housing with cooking oil (column 3, line 45), placing food in the housing (column 4, line 10), and igniting the burner (column 3, line 44). Barbour does not teach a bottom wall which slopes to an elevated

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region and a trough. Bennett teaches a device comprising a housing having a sidewall (Figure 1), a bottom wall which slopes to a central elevated region (Figure 2, B), a trough located between the sloped surface and a bottom margin of the sidewall (Figure 2). It would have been obvious to one of ordinary skill in the art to incorporate the housing structure of Bennett into the invention of Barbour since both are directed to cooking devices, since Barbour already requires a cylindrical housing (Figure 1, 12), and since the elevated region of Bennett would provide a larger heat transfer area between the housing and the heat source thereby providing increased heating performance, as further evidenced by Berchtold et al (column 1, lines 63-66). It would have been obvious to one of ordinary skill in the art to construct the device of Barbour in rectangular form and to vary the slope of the bottom wall since these modifications are expected to have been done during the course of normal experimentation and optimization and since both of these modifications were commonly practiced, as evidenced by Fishel (Figures 1-2).

13. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbour and Bennett as applied to claim 9 above, in view of Scheuplein.

Barbour, Bennett, and Scheuplein teach the above mentioned concepts and are combined for the above mentioned reasons and also since all are directed to cooking devices.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keefer [Pat. No. 4,831,224], Hazlehurst [Pat. No. 1,467,272], Anetsberger [Pat. No.

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3,217,633], Taylor et al [Pat. No. 4,397,299], and Davies [Pat. No. 1,620,952] teach cooking devices with raised bottom walls.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew Becker whose telephone number is (703)-305-0300. The examiner can normally be reached on Monday-Thursday from 7:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703)-308-0756. The fax number for this Group is (703)-305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Drew Becker

October 23, 2000

  
KEITH HENDRICKS  
PRIMARY EXAMINER

Claims:

1. A deep fat fryer comprising:  
a housing adapted to hold a quantity of a cooking medium therein;  
5 said housing including a sidewall extending between an open upper edge and  
a bottom margin; and  
a bottom wall extending projecting inwardly from said bottom margin and  
having a central region elevated relative to said bottom margin to  
10 present a sloped surface between said central region and said bottom  
margin of said sidewall.

2. The fryer of claim 1, said housing further including a pair  
of handles attached to said housing.

3. The fryer of claim 1, said housing further including at least  
one retaining ledge projecting inwardly from said sidewall.

4. The fryer of claim 3, said fryer further including a perforate  
grate received on said ledge for placement of food thereon.

5. The fryer of claim 1, a trough located between said bottom  
margin and said sloped surface of said bottom wall.

6. The fryer of claim 1, said sidewall being substantially  
cylindrical in plan.

7. The fryer of claim 1, said sidewall being generally  
rectangular in plan.

8. The fryer of claim 1, said sloped surface of said bottom  
wall being angled relative to the horizontal in the range of 4° to 30°.



9. In combination:

a deep fat fryer housing adapted to hold a quantity of a cooking medium therein;

5 said housing including a sidewall extending between an open upper edge and a bottom margin;

a bottom wall extending inwardly from said bottom margin and having a central region elevated relative to said bottom margin to present a sloped surface between said central region and said bottom margin of said sidewall; and

10 a heat source positioned beneath said central region with said sidewall positioned lateral to said heat source.

10. The combination of claim 9, said housing further including a pair of handles attached to said housing.

15 11. The combination of claim 9, said housing further including at least one retaining ledge projecting inwardly from said sidewall.

20 12. The combination of claim 11, further including a perforate grate received on said ledge for placement of food thereon.

25 13. The combination of claim 9, further including a trough located between said bottom margin and said sloped surface of said bottom wall.

14. The combination of claim 9, said sidewall being substantially cylindrical in plan.

30 15. The combination of claim 9, said sidewall being generally rectangular in plan.

16. The combination of claim 9, said heat source being a gas burner.

35 17. The combination of claim 9, said sloped surface of said bottom wall being angled relative to the horizontal in the range of 4° to 30°.

18. A method for frying comprising the steps of:

providing a fryer comprising a housing including a sidewall, an open upper edge and a bottom margin and having a bottom wall extending inwardly from said bottom margin and having a central region elevated relative to said bottom margin to present a sloped surface between said central region and said bottom margin of said sidewall;

placing said fryer on a heat source with said central region substantially centered over said heat source;

filling said fryer with a cooking medium;

placing a food item to be cooked in said fryer; and

actuating said heat source to heat the cooking medium whereby convection currents are produced that flow vertically through said bottom wall toward said sidewall for cooking the food item.